

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: George Kukolj, et al) Confirm. No.: 9062
Serial No.: 10/789,355) Art Unit: 1648
Filed: February 27, 2004) Examiner: Bao Q. Li
For: Self-replicating RNA molecule from hepatitis C virus
Docket No.: 13/083-3-D2

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to a communication from the Examiner in charge of the subject application, which communication was mailed on June 13, 2006. In that communication, a one-month shortened statutory period, which expires July 13, 2006, was set for response. Thus, this response is timely. However, if it is determined that an extension of time under 37 C.F.R. § 1.136 is necessary, applicants hereby petition for the necessary extension. Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this response the Commissioner is, hereby, authorized to charge such fees to Deposit Account No. 02-2955.

In the Office Action dated June 13, 2006, the Examiner imposed a restriction requirement in the instant application with respect to the following groups:

Group I: drawn to an isolated polynucleotide as SEQ ID NO: 2;
Group II: drawn to an isolated polynucleotide as SEQ ID NO: 4;
Group III: drawn to an isolated polynucleotide as SEQ ID NO: 5;
Group IV: drawn to an isolated polynucleotide as SEQ ID NO: 6;
Group V: drawn to an isolated polynucleotide as SEQ ID NO: 7;
Group VI: drawn to an isolated polynucleotide as SEQ ID NO: 25;
Group VII: Claims 10, 12-13 drawn to an isolated HCV polynucleotide having a mutation selected from all the variable listed in claim 10

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Group VIII: Claim 11, drawn to an isolated HCV polynucleotide having a mutation especially at E 1202; and

Group IX: Claims 14-15 drawn to an isolated HCV polynucleotide having one or more mutation in addition of E 1202G.

In response to that restriction requirement, applicants hereby elect to prosecute in this application the subject matter of Group III, drawn to an isolated polynucleotide as SEQ ID NO: 5. Claims 9, 10, 11, 14, 16 and 17 all read on SEQ ID NO:5. Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

In view of the foregoing, it is respectfully submitted that the subject application is in condition for allowance and such favorable action at an early date is earnestly solicited. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Respectfully submitted,

/Paula K. Wittmayer/

Paula K. Wittmayer
Attorney for Applicant(s)
Reg. No. 53,785

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel.: (203) 791-6692
Date: July 13, 2006